

<b>APPLICATION NO</b>	<b>PA/2011/0802</b>
<b>APPLICANT</b>	Birchwood Developments Ltd
<b>DEVELOPMENT</b>	Outline planning permission to erect four dwellings with appearance, landscaping and scale reserved for subsequent approval
<b>LOCATION</b>	Land to the rear of Pine Lodge, Barton Lane, Barrow-upon-Humber
<b>PARISH</b>	<b>BARROW-UPON-HUMBER</b>
<b>WARD</b>	Ferry
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Barrow-upon-Humber Parish Council Significant public interest

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** No specific policies apply.

**North Lincolnshire Local Plan:** Policy T2 (Access to Development) – all new development must have a satisfactory access.

Policy H7 (Backland and Tandem Development) – this type of development will be permitted provided that:

- (i) there is no adverse effect on the amenities of any residential premises or adjoining use through:
  - (a) overlooking and loss of privacy;
  - (b) loss of amenity area to the adjoining dwellings;
  - (c) the level of nuisance resulting from the movement of vehicles to and from the proposed development;
- (ii) it would not affect the general quality and character of the area in which it is located by:
  - (a) unacceptably increasing the density of development in that area;
  - (b) resulting in the loss of important natural and man-made features;
  - (c) leading to an unacceptable proliferation of vehicular accesses to the detriment of the street scene and/or road safety.

Policy DS1 (General Requirements) – provides general design guidance for all new development.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy For North Lincolnshire) – the spatial strategy will support thriving rural communities. Rural settlements will be supported as thriving sustainable communities with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 (Delivering More Sustainable Development) – development should be focussed on...small-scale developments within the defined development limits of rural settlements to meet identified local needs. All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals will need to comply with a number of defined sustainable development principles.

Policy CS3 (Development Limits) – development limits will be applied to rural settlements. The site lies within the development limit of Barrow.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – this policy provides general design guidance for all new development.

Policy CS7 (Overall Housing Provision) – provides general guidance in relation to new housing development. In Barrow a density of 30 to 35 dwellings per hectare should be achieved.

Policy CS9 (Affordable Housing) – within rural settlements proposals for three or more dwellings must make provision for an element of affordable housing which is accessible to those unable to compete in the general housing market. The proportion of affordable housing in rural settlements is 10%. Wherever possible affordable housing should be provided on site, but an off-site contribution may be acceptable if management of affordable housing on site cannot be secured effectively or affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities.

## **CONSULTATIONS**

**Highways:** No objections subject to conditions 7 to14.

## **PARISH COUNCIL**

Object on the grounds of the impact that the development would have on surrounding properties and have concerns about the access to the proposed properties from the A1077 on an incline.

## **PUBLICITY:**

Advertised by site notice and adjoining properties notified. Eight letters of objection have been received raising the following issues:

- relocation of the access would result in light pollution from vehicles
- maintenance of the acoustic wall
- the existing boundary wall cannot support a road and additional traffic

- the access would be obtrusive to adjoining dwellings
- loss of amenity to residents from noise, disturbance and loss of privacy
- the development is contrary to policies H7 and DS1 of the North Lincolnshire Local Plan
- an appeal was dismissed for residential development due to its harmful impact on the living conditions of adjoining neighbours
- contrary to policies CS2 and CS3 of the North Lincolnshire Core Strategy
- the site is not an identified housing site
- the noise survey does not take into account noise levels from the proposed dwellings themselves
- the noise barrier may not be effective
- loss of outlook
- there should be 16 metres from the rear of the dwellings to the boundary
- loss of trees
- subsidence
- loss of light

## **ASSESSMENT**

This is an outline application to erect four dwellings on land to the rear of Pine Lodge, Barton Lane, Barrow. Approval is sought for access and layout at this outline stage. Appearance, landscaping and scale are reserved matters. The site is located within the development boundary of Barrow within a residential area. The site is garden land to Pine Lodge which is a residential dwelling. The access to the site is located on Barton Lane and the new drive would be located adjacent to Pine Lodge and properties on Glen Hall Rise. Plots 1 to 3 would be located to the rear of the site with plot 4 behind Pine Lodge. An acoustic fence is proposed along the eastern boundary of the site with another acoustic fence located along part of the western boundary of the drive. Some trees will need to be removed as part of the scheme although the majority of trees will be retained.

A previous application for three single-storey dwellings on the site (PA/2007/0865) was refused by the council on 16 July 2007. An appeal was dismissed in March 2008 for three single-storey dwellings on the site. This was because the Inspector considered that there would be a significant increase in the amount of noise and disturbance from vehicular and pedestrian traffic which would be adjacent to the rear gardens of residential properties. Loss of privacy would also be caused as no detailed boundary treatment was submitted with the application. The proposal was considered to be contrary to policy H7 of the North Lincolnshire Local Plan.

**The main issues associated with this case are whether the proposal is acceptable in planning policy terms, and if so, whether its impact on the highway network, and the amenity of the locality and neighbours is also acceptable.**

In planning policy terms the site lies within the development limit of Barrow which has been identified within the Core Strategy as a rural settlement. In terms of policy CS1 of the Core Strategy small-scale development is permitted in rural settlements. The scale of the new development will be limited and reflect local needs as well as the availability of facilities, services and infrastructure. Accessibility by public transport, walking and cycling will also be a vital consideration. Any development must be in keeping with the character and nature of the settlement.

In this particular case, four dwellings are proposed on the site to the rear of Pine Lodge. The development lies within the main body of Barrow within a residential area. The layout of the dwellings does respect the character of the surrounding area in terms of semi-detached and detached dwellings located within fairly spacious plots. The site is accessible by a bus service and there are pedestrian links to the central area of Barrow where services such as pubs, shops and small businesses are located. The proposal is therefore considered to be sustainable development in terms of policies CS1 and CS2 of the Core Strategy.

In terms of density, a density of just over 11 dwellings per hectare is achieved. This is contrary in part to policy CS7 of the Core Strategy where 30-35 dwellings should be achieved within a rural settlement. However, in this area of Barrow which comprises low density development, any increase on dwellings on this site would be considered over-development of the site and would be out of character with the dwellings it is surrounded by. Furthermore, any additional dwellings on the site would have the potential to result in demonstrable loss of amenity to adjoining dwellings by virtue of overlooking and noise.

Policy CS9 of the Core Strategy relates to affordable housing. Within rural settlements three or more dwellings must ensure that provision is made for affordable housing. A provision of 10% affordable housing is required. This will be achieved on this site by a commuted sum to provide affordable housing elsewhere in Barrow/local area. The commuted sum required is £17,060.80. This money will be obtained through a Section 106 agreement. The proposal therefore accords with policy CS9 subject to the applicant entering into the S106 agreement for the commuted sum to provide off-site affordable housing to meet local needs.

Policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan relate to design. At this stage only the access and layout are to be considered at this stage. At reserved matters stage the scale, appearance and landscaping will need to be submitted and determined. In terms of layout, the layout is considered to be in character with the surrounding area, and the position of the dwellings on the site, subject to conditions, will not result in demonstrable loss of amenity to adjoining neighbours by virtue of overlooking or loss of outlook. The proposal therefore accords with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

The access to the site is via Barton Lane and a private driveway will be created into the site that runs adjacent to properties located on Glen Hall Rise. An existing separate access on Barton Lane will serve Pine Lodge. Highways have raised no objections to the access arrangements. The access will not adversely affect the street scene as two accesses to Pine Lodge from Barton Lane already exist on the site. The proposal therefore accords with policies T2 and H7(ii)(c) of the North Lincolnshire Local Plan.

The site is located at a much higher level than properties located on Glen Hall Rise. Various trees and bushes are located on the boundary with the site and the rear gardens of properties along Glen Hall Rise. The majority of these trees will be retained and planning conditions will be used to ensure additional landscape is provided along this boundary to

retain a tree screen between properties on Glen Hall Rise and the proposed dwellings. In terms of overlooking, planning conditions can be used to ensure that no habitable windows are located in the eastern elevations of Plots 3 and 4 and the northern elevation (first floor level) and the western elevation of Plot 1. It is accepted that the dwellings, due to differing levels, will be visible from adjoining dwellings. However, there is a distance of 20 metres from 3 Glen Hall Rise to plot 4 and a distance of 15 metres from 4 Glen Hall Rise to plot 3. Due to these distances, it is not considered that any demonstrable loss of outlook would be caused to these dwellings. The proposal therefore complies with policies DS1 and H7 (i) a and b and (ii) a, b and c.

In terms of the appeal, which was dismissed, this is a material consideration in relation to this application. The application for three single-storey dwellings was dismissed because the Inspector considered that there would be a significant increase in noise and disturbance from vehicular and pedestrian traffic and there could be loss of privacy to the gardens and windows of properties on Glen Hall Rise. No boundary treatment was submitted as part of application PA/2007/0865 and therefore the Inspector was unable to ascertain whether, if a boundary treatment was submitted, it would retain privacy and outlook, and no harm would be caused due to noise and disturbance to adjoining properties (primarily those on Glen Hall Rise).

In relation to this application, the applicant is proposing to install a 2 metre high acoustic fence along the eastern boundary of the site. It would run parallel with the access road and the rear boundary of properties on Glen Hall Rise. The specification for the fence has been submitted with the application and a noise assessment. Environmental Protection have been consulted on the application and consider the noise assessment and acoustic fence is acceptable. It is therefore considered that noise from vehicles and pedestrians accessing the site would not result in demonstrable harm to adjoining neighbours subject to the acoustic fence being installed on the site in the position shown on the drawings. The acoustic fence would be 2 metres high and the vegetation screen along the site boundaries would be retained. It is therefore considered that no demonstrable loss of privacy/outlook would be caused, or light pollution from car headlights, as these would be screened by the fence. The proposal accords with all the criteria within policy H7 of the North Lincolnshire Local Plan.

Issues raised by neighbours, such as maintenance of the fence, can be controlled by planning conditions. In terms of concerns raised by potential subsidence, PPG14 provides guidance on this issue. Engineering treatment of the ground will reduce the potential for subsidence to occur. Careful ground investigation, followed by appropriate ground treatment or adoption of a sufficiently robust foundation, will reduce the risk of subsidence. The planning system is concerned with the public interest rather than the interest of individuals. It is for the developer to demonstrate that the effects of subsidence will not be unacceptably adverse or that they can be successfully mitigated. In this case there is no evidence to suggest that the site is at risk of subsidence. However, a planning condition can be used to ensure construction/foundation details of the access road are submitted to the council before development commences on site.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a commuted sum of £17,060.80 for the provision of off-site affordable housing, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Acting Head of Planning upon completion of the obligation;**
- (iii) if the obligation is not completed by 31 March 2012 the Acting Head of Planning be authorised to refuse the application on the grounds that the development would not make any provision for affordable housing on the site which would be contrary to policy CS9 of the North Lincolnshire Core Strategy; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the scale and appearance of the building(s), and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: 0200-103 Rev D, 0200-0104 Rev A, 0200-102 rev B, 0200-0101 Rev A, 11991-311-2DT, 0200-0100 Rev A, and 001.

Reason

For the avoidance of doubt and in the interests of proper planning.

6.

No development shall take place until a tree protection plan and arboricultural method statement, detailing the method of protecting the existing trees on the site throughout the construction period, have been submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, or uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees, without the written approval of the local planning authority.

Reason

In order to protect the existing trees on the site.

7.

The new private driveway shall be set out and established in accordance with drawing number 0200-103 Rev D at all times.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

10.

Nothing shall at any time, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

12.

No development shall begin until details of the private driveway, including drainage and lighting arrangements, have been submitted to and approved in writing by the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

14.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

The acoustic fence to be installed on the site shall be the Jakoustic highways acoustic fence, a minimum of 28/Kg/m<sup>2</sup> shown on drawing no. J7/01406 date stamped 30 August 2011.

Reason

In order to preserve residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

16.

Before any of the dwellings is occupied, the approved acoustic fencing shall be installed on the site in the positions shown on the approved plans and thereafter retained and maintained as such at all times.

Reason

In order to preserve residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

17.

Before the development commences on site, a maintenance plan for the approved acoustic fencing which specifies the responsibility for the maintenance of the acoustic fence shall be submitted to and approved in writing by the local planning authority. This maintenance plan shall remain in place at all times and there shall be no deviation from it without the prior permission in writing of the local planning authority.

Reason

In order to preserve residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order re-enacting that order with or without modification), no habitable window opening shall be created in the eastern elevations of Plots 3 and 4 and the northern elevation at first floor level of Plot 1 and the western elevation of Plot 1 of the approved dwellings other than those shown on the approved plans.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

19.

Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no extensions or alterations shall be carried out to the approved dwellings, and no buildings shall be erected on the site, other than those expressly authorised by this permission.

Reason

In order to safeguard the amenity of adjoining neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

20.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

21.

The development shall be carried out in accordance with the amended details received by

the local planning authority on 5 and 6 September 2011.

Reason

To define the terms of the permission and to reduce the impact of the development on the living conditions of the adjoining dwelling(s) in accordance with policy DS1 of the North Lincolnshire Local Plan.

22.

Before development commences on site, details of the boundary treatment to all site boundaries shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site and retained as such at all times.

Reason

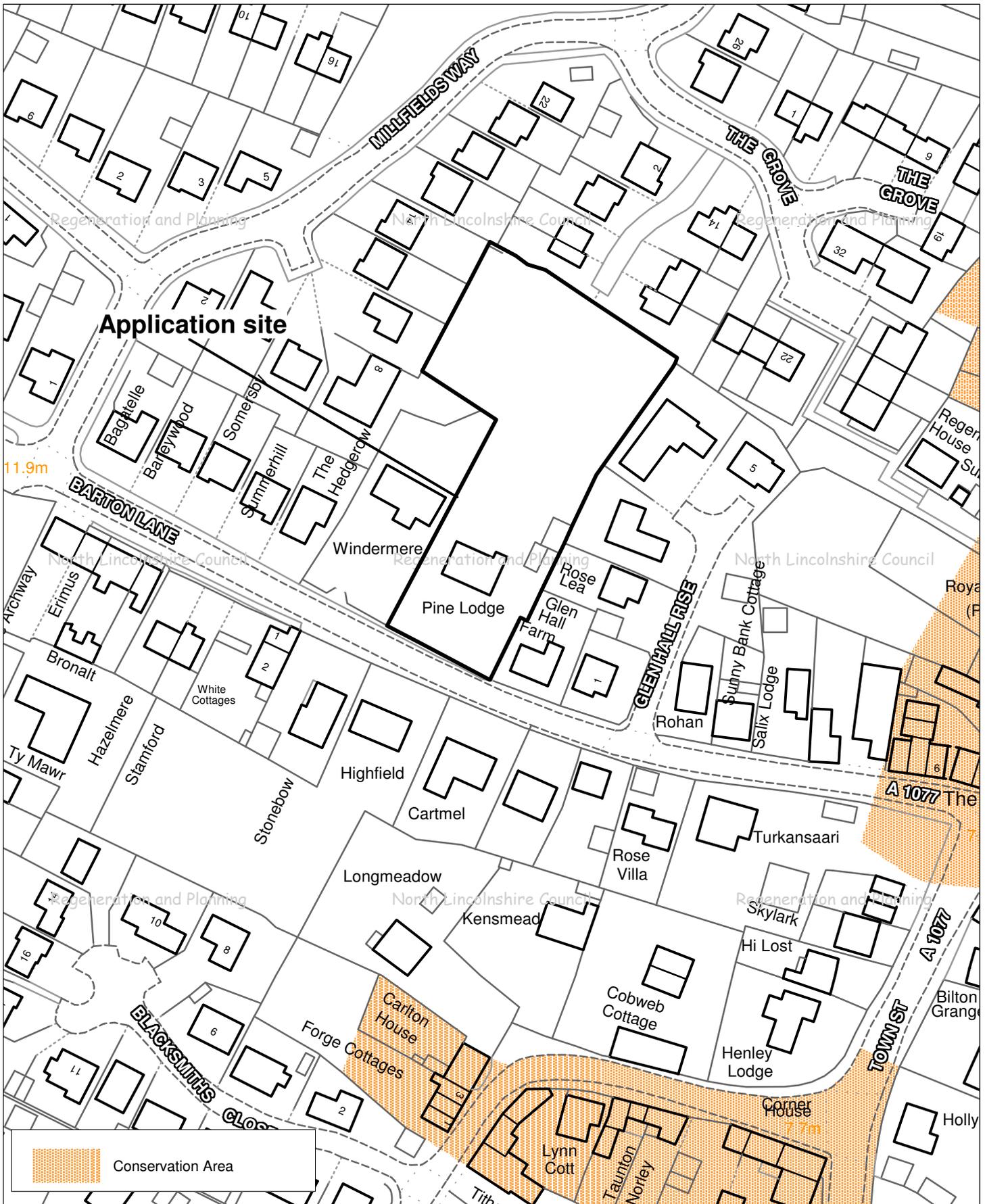
In order to safeguard the amenity of adjoining neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

23.

Before development commences on site, full details of the construction, including foundation details of the approved access road, shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site and retained as such at all times.

Reason

To safeguard the amenity of adjoining residents in accordance with policy DS1 of the North Lincolnshire Local Plan and advice given in PPG14, Development on Unstable Land.



Drawing Title: 2011/0802

OS Grid Ref: TA06902108

Drawn by: KC

Scale: 1:1250

Date: 04/10/2011



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



**Regeneration and Planning**

Head,

Marcus Walker BA (Hons), Dip URP, MA, MRTPI

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.



**KEY**

	NEW BUILD HOUSES
	EXISTING DWELLING
	BACK GARDENS
	FRONT GARDENS
	PRIVATE DRIVE
	SHARED SURFACE
	GARAGES
	INCURTLAGE PARKING
	VISITOR PARKING
	NEW TREES
	AREA BOUNDARY
	NEW 2 METRE HIGH ACOUSTIC FENCE
	NEW LOW BRICK WALL MAX HEIGHT 1 METRE ABOVE ROAD LEVEL

Revision 1	D. By: JAD	Checked: JMA	Date: 13/09/2011
Visibility study amended.			
Revision 2	C. By: JAD	Checked: JMA	Date: 13/09/2011
Access road layout amended. Visibility study refined.			
Revision 3	B. By: JAD	Checked: JMA	Date: 13/09/2011
Drawing scale amended and visibility study added.			
Revision 4	A. By: JAD	Checked: JMA	Date: 13/09/2011
Boundaries amended.			
Revision 5	By: JAD	Checked: JMA	Date: 13/09/2011
Final Issue			

# PLANNING

planners | architects | engineers

spawforths

10, The Old Rectory, Church Lane, Buntingford, Cambridgeshire, SG9 7JH  
T: 01224 873000 F: 01224 870777 www.spawforths.co.uk info@spawforths.co.uk

**OUTLINE PLANNING**

Client Name: BIRCHWOOD DEVELOPMENTS (LINCOLNSHIRE) LTD.

Project Title: PROPOSED 4 NEW BUILD HOUSES WITH SHARED SURFACE ACCESS, PRIVATE DRIVE AND GARAGES, BARKTON LANE, BARKTON, LINCOLNSHIRE, DN12 2JD

Project No:	P2350
Drawn By:	CT
Checked By:	JAD
Scale:	1:2500/0.4
Date:	13/09/2011
Revision:	D
Drawing No.:	00004/03
PROPOSED SITE PLAN	

File Path: [unclear]

PA/2011/0802 - NOT TO SCALE

**AMENDED**

